

Tree Cases.

THE REPRESENTATIVE OF GREECE
UNITED NATIONS WAR CRIMES COMMISSION.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR W.A.R. CRIMES

Decision No. 3 December 1946.

In the name of the King of the Hellenes.

The Special Court Martial for War Criminals,

(Constitutional Acts No. 73/1945 and 90/1945).

Composed of the Judges: Philip Papageorgiou, president of the Court of Second Degree - President; George Varsanos and Nicolas Oeconomopoulos judges of the Court of Appeal and Basil Ganbaris and Basil Tsekouras, Lt. Colonels-members; Nicolas Zacharias, Captain R.H.N. naval legal department - of the King's Counsel; Leonidas Palcologos 2d Lieutenant of reserve, military legal

Convened in public sitting in accordance with Const. Act 90/1945 at the Central Hall of the Court of Appeals at Athens, as designated by the Ministry of Justice (Act. No. 94314 of October 23, 1946).
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On Thursday 31st of October 1946 and 11 p.m. the court convened to decide on the cases of the following German officers, held in custody.

1. Friedrich Wilhelm Mueller - General of the Infantry
2. Bruno Oswald Braeuer - General of the parachutists.
3. Fritz Schubert - Sergeant.

The above mentioned were sent to this Tribunal by Decision No. 16/1946 of the Judicial Counsel composed according to Const. Act No. 73/1945, to be tried for the acts enumerated in the Decision, i.e. murders, arson, rape, systematic terrorism, torture etc. The President called the names of the accused and the following two were present and without handcuffs. They answered as follows to the questions concerning their identity put to them by the President. Because the accused declared that they had no knowledge of the Greek language; their answer was

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

communicated through interpreters nominated according to Law.

1. Bruno Oswald Brauer - born in Willrausdorf (Germany); detained in Calithea Prison; age 53; General of the Parachutists; married; no children; Christian Protestant.
2. Friedrich Wilhelm Mueller - born in Wuppertal-Barmen; detained in Calithea Prison; age 48; General of the Infantry; married; two children, one female and one male; Christian Protestant.

The President called the names of the lawyers, appointed by him ex officio, according to the rules of Const. Acts 73 and 90/1945 and Law 1080/46, for each of the defendants, i.e. N. Doutas and Z. Antoniadis for F. Mueller and A. Crystallis, J. Zygalakis and J. Paparrigopoulos for B. Brauer.

The defendants refused to accept those persons as counsels, stating that they requested the Ministry of Justice by written demand, to appoint as their counsels the lawyers used in the trial of War Criminals Ravalli and Galtsef. Finally they demanded the lawyers of Athens, Const. Tsoukalas, Ilias Microuleas, George Tsilithras, St. Ioanidis and George Antoniadou, as their counsels. Oroly G. Tsilithras and St. Ioanidis were present and said they accepted their nomination as defense counsels for the defendants.

The President, to complete the number of defense counsels required for each of the defendants by the a.m. Const. Acts and Law 1080/46, nominated the lawyers of Athens, Ath. Krystallis and John Zygalakis as defense counsels for the defendants.

The defense counsels said that they would perform their duty faithfully and conscientiously and the President asked the King's Counsel express his opinion regarding the defendant F. Schubert who was absent. The King's Counsel proposed that the case the defendant F. Schubert be separated from the present trial according to Law.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

The defense counsels said that they had no objections to this. The Court discussed the matter secretly and decided unanimously as follows: Where as, according to art. 7 B of Const. Acts 13/45, it is not permissible to try War Criminals in absentia, if on the occasion of a trial some of the accused are absent; the case of those absent must be separated and only those present must be tried. THEREFORE, the Court orders that the case of the absent Fr. Schubert be separated, and the trial proceed with the case of the defendants who are present, namely, B. Brauer and W. Mueller.

Following this, the President ordered the secretary to read decision No. 16/1946 of the Judicial Committee. Thereupon, the following persons gave notice that they would be represented in the trial to ask indemnity for moral pain.

1. Christ. Zacharioudakis for the murder of her husband and the burning of her home at Mires (Crete) pursuant to orders issued by the defendants.
2. P. Petrakakis for the execution of his brother and the burning of his house pursuant to orders issued by the defendants.
3. Antonios Apostolakis for the execution of his father, two brothers, - Nicolaos and Frangos - and the burning of his home in Gerakion on August 1944 pursuant to orders issued by the defendants.
4. Em. Vavourakis, for the murder of his father who was burnt alive and the burning of his home with all its contents.
5. Styl. Coundouros, for the shooting of his brother Rousso Coundouros in Agia on August 29, 1944. The a.m. nominated as their lawyer Styl. Dimitrakakis who was present. He was given the power of Attorney issued on 14 October 1946 at Mires (Crete) by the notary Const. Tsairanakis, whereby he was also invested with the

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

right to nominate other lawyers. Therefore he nominated the lawyers G. Panayotopoulos, Em. Cothris, G. Oeconomou. George Em. Katapotis, - who was present notified the Court that he too, would assist the prosecution and ask for personal indemnity because he was arrested by order of the defendants and held as hostage. He nominated as his lawyers, G. Oeconomou, D. Mirasgedgis, G. Revidis and C. Condoyannakis.

The defense Counsels speaking in turn asked for the rejection of the a.m. demands for indemnity. The lawyers of those demanding indemnity, asked that objections of the Defense Counsels be rejected.

The King's Counsel demanded that the objections of the Defense counsel be rejected.

The Court discussed the matter and decided as follows: "Whereas it has been ordered by Law 1699 every person sustaining damage as the result of a punishable act, has the right to ask for indemnity from a Criminal Court for the moral pain which he suffered from the act. The Court Martial, according to art. 40 of the Military Penal Law, does not have the right to decide on this indemnity as ruled by Law 1699. Whereas, by art. 932 of the Civil Law it is ordered that a pecuniary indemnity for moral pain, is a civil matter, which does not have the character of a punishment. According to art. 240 of Law 2803 "Military Penal Law" the Court Martial try only criminal acts and never civil matters, and the civil demands are sent to the civil Courts. Therefore the pecuniary compensation specified by art. 932 of Civil Law, cannot be tried by the Court Martials. Whereas the art. 48 of Law 2783 (Civil Code) which abrogates art. 1 and 2 of Law 1699 for the criminal acts

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

committed after the introduction of the New Civil Law, as well as Law 35/1946 - according to which, the demand for compensation of art. 932, is brought before the Criminal Court without any previous procedure, does not intend to change the meaning of art. 932 of Civil Law and give chronologically to certain acts the form of a punishment and following the punishment monetary compensation, but only determines from the economic point of view the way of doing it before the Courts which are allowed to try such cases! (see Original Greek text. Meaning not clear). This Tribunal, described by Const. Act. 9 as a Special Court Martial, is governed by the procedure of the Permanent Court Martial, therefore the demand for monetary indemnity must be rejected. After this the King's Counsel read a summary of the indictment and handed to the President a list of the names of witnesses who had been called and notified the defendants. The President read the names of the witnesses of whom the following were present. 1. Eng. Psallidakis. 2. A. Apostolakis. 3. Agath. Mainos. 4. Evarg. Taniolakis. 5. John Andreopoulos. 6. Nicolaos Christallis. 7. Michal Tsikaloudakis. 8. Emm. Aretoulakis. 9. Apost. Pijakis. 10. George Angelidakis. 11. G. Gridakis. 12. M. Lygnos. 13. Emm. Vavourakis. 14. C. Papadakis. 15. J. Lissis. 16. C. Mitsotakis. 17. Ruprecht Kromsor and the following absent: (Translator's notes: the names of 57 witnesses who were absent follow.) (see Original Greek text).

Concerning the witnesses who were not present, the Court decided, after hearing the King's Counsel and the Defense Counsel, to proceed with the trial and to read the affidavits of those who had been interrogated under oath whether they had been called or not and witnesses whose depositions are considered useful by the court be interrogated.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR W.R. CRIMES

after this the Court heard the depositions of the witnesses of the Prosecution who were present (Transl.Note: 34 names follow) and those of the defense (Transl.Note: follow 6 names); the witnesses prior to examination took an oath on the Holy Bible according to article 122 of the Military Penal Law and 121 and 391 of the Penal Procedure. They declared that they were Christians of the Orthodox Church and confirmed what they said on their depositions. After this the defendants were heard.

Then the King's Counsel proposed that Bruno Braeuer should be declared guilty.

1. As the instigator of the murders of 40 persons on July 3. 1943 and 471 persons on Sept. 1943 in the district of Viannos.
2. As the instigator of the arson of the villages of Viannos area.
3. As the instigator of theft of the inhabitants of Viannos.
4. As the instigator of the murder of 22 persons of the villages Sachtouria, Lochria, Margaritari and Cammos, which took place in May 1944.
5. As the instigator of the looting of this area.
6. The deportation of 45 civilians and
7. as the instigator of all the crimes committed by F. Schubert in different parts of Crete.

That Friedrich Mueller should be declared guilty as the instigator

1. Of the murder of 25 persons on 24 August 1944, of 60 persons in Sept. 1944 and 471 persons in 14 Sept. 1944 in the Viannos area.
2. Of the arson of the villages of the Viannos area in Sept. 1944
3. Of the looting of this area (see # 3).

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

5. Of the looting of these areas.

6. Of deportation of the inhabitants of these areas.

And they were sentenced as follows:

1. Bruno Oswald Braeuer 1. For the murders - the death penalty, 2. for the arson of Vianos area 20 years imprisonment, and for the cases where people lost their lives - the death penalty, 3. for the instigation of looting and deportation - 15 years imprisonment.

2. Friedrich Wilhelm Mueller. 1. For the murders - the death penalty, 2. for the instigation of looting - 10 years imprisonment, 3. for arson - life imprisonment.

4. For deportation - 15 years imprisonment.

The defence counsels speaking in turn asked for the leniency of the tribunal.

The King's Counsel asked and was given the permission to add to his previous speech, after he heard what the defence counsel said.

The defendants asked by the President, if they had anything to add, said what is written in the minutes. After which the session was adjourned until 9 December 1946, Monday at 5 p.m.

On Monday 9 December 1946 at 5 p.m. the session continued. The President, having declared the session finished withdrew with his court to the conference room, where in the absence of the King's Counsel, they made the following decision, which when the judges returned to the Court Room, was announced publicly by the president.

6

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

Whereas it is accepted internationally that some restrictions should be observed in the attitude toward the population of the occupied country. Though it is true that the war ~~ains at~~ crippling the resistance of the enemy yet the belligerents do not have an unrestricted right with respect to the choice of means whereby damage is to be done to the enemy, as is formally stated in art 22 of the Hague agreement to which Germany has acceded. In instances where no provision is made by International treaties, the population remains under the protection of the general principles of International Law as they emanate from international customs, from the Laws of humanity and the demands of public conscience, as is stated in the preamble of the Hague Convention. But art 46 of this agreement declares that life and property of the population should be spared. And though these were no sanctions provided by international treaties, except by the Treaty of Washington of Feb. 6, 1922, yet it is accordance with an expressed international conscience and with the spirit of Justice that the transgression of the fundamental principles of humanity should not remain without punishment. It follows from the above that in so far as such transgressions come under the heading of crimes as provided by the Penal Codes of civilized countries, transgressors can be subjected to trial on the basis of the local laws of the country in the territory of which he is found, which determines establishment of competent Tribunals and their procedure;

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

they are then considered as having violated the common Penal Code and simultaneously by virtue of their deeds as having transgressed the rules of International Law (see art 3 of Treaty of Washington of Feb.6.1922 in Spyropoulos' "International Law" page 380.) Besides this the Declaration of the United Nations of Jan.13, 1942 specifies that transgressors of the Rules of International Law will be punished by the Organs of International Justice. This declaration is a principle of justice, at least, as regards the competence of the Courts of the countries occupied by the Axis forces.

Whereas it is contended that the defendants have committed in Greece, contrary to the International Law, acts punishable by our Criminal Code, they fall under the jurisdiction of the Greek Courts in accordance with art. 1 of the Penal Procedure which states that the Greek Criminal Courts are competent to judge all crimes committed in Greece either by Greek, or by foreigners.

Whereas the defendants Brauer and Mueller Generals of the German Army have served as military commanders in Crete (Greece) during different times of the period 1941-1945 when Greece was in a state of war with Germany and occupied by its forces, and the crimes they are charged with, of murder, terrorism etc. are among those acts which are considered as war crimes by art. I par. 2 of the Const. Act 73, and consequently it is lawful that they should be tried by this Tribunal.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

Whereas the following appears from the depositions of the witnesses and the affidavits of the witnesses who were not present, and especially from the orders and notifications of the defendants published in the newspapers "Herald of Crete" of Heraklion and "Spectator" of Chania, which were the official organs of the German Command, and from the pleas of the defendants:

"The defendant Braeuer went to Crete at the head of his regiment of Parachutists during the operations aiming at the capture of the Island (Crete) in the last days of May 1941; he did not leave Crete before 4 June 1941. He then returned to Crete on September 1942 as Military Commander and then as Commander of the Fortress Crete, remaining there until June 25 1944. This last date is evident from his proclamation of June 29, 1944. Defendant Mueller went to Crete at C.O of the 22nd Division in Archanes (Crete) on October 1942, he was away from October 43 to January 1944 and then again from the middle of March to the beginning of June 1944. From June 25, 1944 to the end of October 1944 he was the Commander of the Fortress Crete.

Whereas in the first days of the occupation of the Island on the Heraklion area, the German parachutist killed many, (over 100) Greek civilians, among whom the names of Aschimendrite Theodosskis and Prefect Tsatsaronakis are included. Many articles of furniture and clothing were stolen from the houses of Heraklion. Some of these crimes such as the murder of Tsatsaronakis^{were} committed after 4th June 1941 during the absence of Braeuer and consequently he must be not held responsible for these.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

As for the rest it has not been proved that they were ordered by him and therefore he is not responsible for same. The other defendant Mueller, not being in Crete at that time, bears no responsibility for these crimes. Consequently both defendants must be considered innocent of these crimes.

1. On 5 July 1943, by order of the Commander of Fortress Crete 40 people detained in the Prisons of Herklion, Rethymnon and Hania were shot to death. A proclamation relating to this was published by Braeuer Comm. of the Fortress of Crete, in issue 520 of the Newspaper "Spectator" of Hania.

2. On 24 August 1944, 25 persons detained in Agia Prison were shot to death.

3. On 16 Sept. 1944, 50 persons detained in Agia Prisons were shot to death, and a proclamation relating to the incident was published in issue 940 of the Newspaper "Cretan Herald" by Braeuer. Those shootings of 5 July 1943 were ordered by Braeuer and the rest by the then Commander of Fortress of Crete, Mueller. In all three cases the shooting was ordered as reprisals for acts of sabotage against the German Army. The victims were all innocent of these acts.

4. After a fight which took place in Symi (Vianos) between German troops and the unit of Captain Badouvas on 10-12 Sept. 1943, the 67th Regt. of Mueller's Division started on Sept. 13. an enterprise against the villages of Vianos and Ierapetra areas; the surrounded the villages and on 14 Sept. and the days which followed they

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

arrested all the inhabitants of the villages. All the arrested men were shot to death, excepting the 147 men arrested in the village Sycologos; a total of 471 men and few women were shot, their names were mentioned by the witnesses examined, i.e., 1) in Gdochia 43 persons 2) in Nournies 32, 3) Mythi 4, 4) Riza 20 and Catnon 36, 5) Myrtos 18, 6) Sycologos 1, 7) Kalami 8 8) Vocho 23, 9) Symi 23 10) Pefko 19, 11) Moni Ano Vianon 6, 12) Kefalourissi 36, 13) Krevata 23, 14) Amyra 114, 15) Agios Vassilios 33, 16) Passa 7, 17) Christos 8, 18) Males 23, The remainder of the arrestees, mostly women and children were detained for some days in the Concentration Camp in Rethymnon and then were sent to other areas. At the same time the Germans took away all the cattle and whatever else they could carry and then set on fire the houses and buildings destroying them totally. The following villages were completely destroyed 1) Gdochia, 2) Kefalovrissi, 3) Pefkos, 4) Kato Symi, 5) Krevata, 6) Sykologos, 7) Mournies and Myrtos and Kalami were partly destroyed. During the burning down of the aforementioned villages, several women were burnt alive in their homes; these death could have been foreseen and prevented by the Germans. All the aforementioned enterprises and crimes were on such a big scale that they could not have been done without order of the Commander of Fortresses Crete, Braeuer admits having issued such an order and Mueller admits having suggested and executed this order. They both pretend that this enterprise was a military one against armed forces of the resistance during which the Germans suffered 4-5 casualties, but

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

the depositions of the witnesses and the way the enterprise was carried out, exclude such a claim. With reference to this, a proclamation of the Commander of Fortress of Crete was published in the newspaper "Cretan Herald" on 15 Sept. 1943 saying that a measure of reprisal a certain number of communities ceased to exist. This publication bears the date 13 Sept. but was published on 15 Sept. and refers to the aforementioned events, because at that time there were no other similar happenings. The publication of the proclamation at the same time that the reprisals were carried out proves that they were premeditated.

5.) On 4. Sept. 1943, ten persons were arrested by Germans in the area of the village Agios Mamas Mylopotameu and were shot to death on the spot, under the pretext that they were arrested on forbidden areas. The next day 20 persons with a priest, went to that spot to bury the murdered people; the Germans seeing them opened fire and killed them all.

6.) On 3-5 May 1944 units of the 22nd Division went to the villages of Heraklion District 1. Sachtouria, 2. Lochia, 3. Margaritari and 4. Camares and shot in Camares 5 men and arrested another 15, they arrested in Margaritari 11 men, in Sachtouria 28, and in Ichia they arrested 8 and shot 2. Fifteen of the arrested men were shot in September and the rest disappeared. At the same time they took away all private property and destroyed completely all the houses and buildings of the aforementioned villages by fire and explosives. A proclamation for these events was Published in the newspaper "Cretan Herald" on 6 May 1944.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

At that time, Mueller was not in Crete and consequently is not responsible for these crimes. But the Tribunal is convinced that these crimes were ordered by the G.O. of the 22 Dv., on Braeuer's orders, who i.e. Braeuer confesses that he had given to his Divisions a general order to act on their own initiative in cases like the present one, accepting in advance, the measures of mass executions, arrests, looting and executions of hostages which were the German system.

7. On 7. May 1944 a German unit kidnapped from the village Dougi Monofatsou, 9 men who have since disappeared.

8. On 9 May 1944 a German unit kidnapped from the village Samona 3 men who have since disappeared; the village was looted and then completely destroyed by artillery fire. One Child was killed. The Tribunal thinks that (these two cases, i.e., 7.8. cannot be attributed to Mueller who was absent from Crete nor to Braeuer because it was not proved that he ordered them).

9. In August 1944 units belonging to the Division of the Fortress of Crete surrounded the district of Kissamos. By 27. Aug. they arrested and shot 60 men in the village Malthyrou, 26 in Kakopetron, 19 in Palea Roumata, 11 in Kalathenes and an as yet undetermined number in the villages Kouneni - Syrikari. At the same time they set on fire the villages of the same district Iimni, Elos and Floria, they burnt part of the villages Kouneni where three children were burnt alive.

10. In the same month August 1944, the German Division of Heraklion surrounded the district of Amariou, they arrested all the men they found in the villages, and they shot 46 men in the villages Gourgouthi, Kardaki, Dryges, Vrysses, Smilai, 42 in Ano Meros, 55 in Gerakari, 35 in Krya Vryssi and they deported the rest of the population to other areas. At the same time they looted com-

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

pletely all the aforementioned villages and completely destroyed by fire and explosives all their fountains buildings, houses, churches, schools and cemeteries.

11. On 17th of the same month another German unit went to the village Sokara, destroyed a large part of it and shot 27 men.

12. On 13 August 1944 a strong German unit went to the village Anogia, arrested all the inhabitants who happened to be there, shot 50 men, sent the women and children to other areas and the men to prisons and then completely destroyed the 940 houses of the village. Next day they shot in the village Gergossi 18 men, and in the village Pyrgos 4.

13. On 14 August 1944 another German unit shot 11 men and 20 women in the village Skourvoula.

14. On 13 August 1944 another unit arrested 35 men in Sarchos, shot 15 of them, used the others for forced labour and later shot them.

15. On 14-19 Aug. another unit shot 12 persons in the village Gonjes Malerizou, 7 men in Kalosia and 4 in Moni; on 20-22 Aug. they shot 7 in Digortynou and 22 in Asteraki.

16. On 21. August 1944, 34 persons were shot in Damasta and 109 houses of the village were destroyed.

17. At the same time, while the German troops were retreating to the West of the Island, the village Thrapsanos was set on fire and a woman and a child were burnt alive.

With respect to all these crimes committed on August 1944, a proclamation was published in the newspaper "Spectator" on Aug. 27, 1944. It was issued by the then Commander of Fortress Crete Mueller and stated that 489 persons were killed, 599 arrested and many thousands deported to other areas.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR W.A.R. CRIMES

Relative to these is the order of Mueller (13-8-44) for the destruction of Anogia, the issue of which he does not deny, saying only that he ordered the execution of 30-50 men only (this order is in the file). All these crimes of murder, arson, looting and deportation were executed by the Heraklion Divisions on the basis of orders issued by Mueller. Brauer not being in Crete at that time is not responsible for these.

18. On orders of Brauer Commander of Fortress Crete, a unit comprising many criminals (Germany and Greeks) was constituted in 1943 under the orders of W/o Fritz Schubert. Schubert was ordered to pursue the criminals and search for arms. By this order Schubert was allowed to use whatever means he chose. In the Execution of this order Schubert committed murders of more than 200 men; Schubert went also to village Callikrati Sfakiou where he arrested and shot to death on 8 Oct. 1943, 24 men and 9 women, whose names were stated by the witnesses. Brauer knowing the previous criminal activities of Schubert and learning of their continuation, by the commission of atrocious crimes, approved and kept him in the job to which he had appointed him.

The defendants say their defense that they had to obey orders of the Supreme German Command whereby they were obliged to order reprisals against the non combatant population for every act against the German Army. But mass execution of innocent people not charged with any concrete act, and the arson en masse of towns and villages, are acts which are contrary to humanitarian feelings and cannot be justified even by an order of a supreme authority; such orders could not even be considered as orders in line duty.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

And what is worse, the unlawful character of these orders is proved by the fact that the recipients of these orders were advised to destroy them immediately after reading them. Besides the Court is satisfied that even if these were such general orders for applying reprisals, the defendants had the discretionary right to choose the kind of means and to determine whether or not they should be applied. But no such means were applied by the Commander of Fortress Crete, when 17 Germans were killed in Omalos^a after^a/fight with the Andantes, nor when in Nescia 7 members of Schubert's unit were slain, nor when General Kreipe was kidnapped. The defendants not daring to try to justify themselves for the mass executions, suggest that all these deaths of Greek people occurred during fights between Germans and Greek resistance groups. The excuse of military necessity could be justified in case other means were applied as reprisals, but under no conditions for the killing of innocents. It is true that the Germans in Crete felt that they were living in hostile surroundings, and that it was in their interest not to be disturbed by the population in case war activities were to be extended on Cretan territory. They aimed therefore at crippling the morale of the population in order to enhance their security; therefore they used unhuman means such as mass execution and the systematic burning down of villages thus changing whole areas into a desert. Such means can be accepted, still less as the justification for an indirect military interest. Whereas irrespective of the question of the applicability of Const. Art 73 to the criminal acts described therein, and which are not provided for in the Criminal Code because of the rule "Nulla poena sine lege" the defendants must be acquitted with respect to the acts provided by Const. Law 73.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

Consequently.

Bruno Braeuer must be declared guilty for having ordered the following acts.

1. Murder of 40 persons on 3 July 1943.
2. Murder of 471 persons, and arson (during which many deaths occurred) of the villages in Vianos area, and looting of the houses on 14 Sept. 1943 and on following days.
3. Murder of 22 persons and arson of the villages Sachtouria, Lochria, Margaritari and Kamares, looting of the houses and kidnapping of 15 persons, on 3-5 May 1944.

Wilhelm Mueller must be declared guilty for having ordered the following acts.

1. Murder of 25 persons on 24 Aug. 1944.
2. Murder of 60 persons on 16. Sept. 1944.
3. Murder of 471 persons, arson (during which many deaths occurred) and looting of the houses of Vianos on 14 Sept. and the days which followed.
4. Murder of 600 persons of the villages of Kissamos and Amariou areas, arson and looting of these villages in August 1944.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

Therefore
the Tribunal declares as guilty.

A. Bruno Brauer, because he served the military forces of the enemy as Lieut-General of the German Army in Chania during the war 1939 - 1945, and as commander of the Fortress "Crete", he knowingly ordered others to commit war crimes under threats of severe punishment, in case of disobedience, and particularly for the following reprehensible acts which his subordinates carried out:

1. On 3 July 1943, they purposely murdered 40 inhabitants of Crete, who were detained in prison. Their death was caused by several shots which were fired into various parts of their bodies, (18 shot in Heraklion, 10 in Rethymneon and 12 in Chania).
 2. On 2 - 5 May, they purposely murdered in the villages Camares five men and in Lochia 2 men. Their death was caused by several shots which were fired into various parts of their bodies.
 3. In Sept. 1944 they purposely murdered in Heraklion 15 men from Sachtourion, arrested in May 1944. Their death was caused by several shots which were fired in various parts of their bodies.
- During the period of 2 - 8 May 1944, they took into their possession without having the right to do so, and without the consent of the owners all the movable property of the inhabitants of the villages Sachtouria, Lochia, Camares and Margaritari.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

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4. During the period of 2 - 5 May 1944, they kidnapped from the villages Sachtouria, Lochia, Kamarcos and Margaritari, 15 persons, whose fate is still unknown.

5. During the period of October to December 1943 W.O. Schubert commanding a military unit, deliberately executed

- a) 36 inhabitants of the village Kallikrati (27 men and 9 women)
- b) 200 inhabitants of various villages of Crete most of whom are unidentified. Their death was caused by several shots which were fired in various parts of their bodies.

B. Mueller, because he served the military forces of the enemy as Lieut-General of the German Army in Chania (Crete) during the war 1939 - 1945 and as commander of Fortress Crete, he knowingly ordered others to commit war crimes under threats of severe punishment, in case of disobedience, and particularly for the following criminal acts, which his subordinates carried out.

1. They knowingly murdered

- a) 25 detainees of the Agga Prison on 24 Aug. 1944
- b) 60 detainees of the Agga prison on 16 Sept. 1944.

Their death was caused by several shots which were fired in various parts of their bodies.

2. They knowingly murdered in August 1944

- a) 60 persons in Malathyron
- b) 26 " " Lakopetron
- c) 19 " " Palea Rounata

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d) 11 persons in Kalathenes.
e) 25 " " Kissanos area.
f) 42 " " Ano Meros
g) 55 " " Gerakari
h) 35 " " Kryo Vryssi
i) 46 " " Dryges Vrysseand Smilo
j) 27 " " So Kara
k) 50 " " Anogia
l) 18 " " Gergeri
m) 4 " " Pyrgos
n) 31 " " Skcurvoula
o) 35 " " Sarchos
p) 12 " " Gonies Malevizion
q) 7 " " Kalossia
r) 4 " " Moni
s) 7 " " Digortynon
t) 22 " " Artyraki
u) 34 " " Damasta.

The death of all these persons was caused by several shots which were fired in various parts of their bodies.

3. During the same month of August 1944 they set on fire, using explosives also, the houses of the following villages, which they destroyed completely; during the arson most of the inhabitants were out of their houses, and the Germans knew this. Some other people were burnt alive in their houses, such as the three children of John Stavroulakis in the village Kouneni.

DOCUMENT NO. 3
TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

- a) village Linni
- b) " Elcos
- c) " Floria
- d) " Kouneni
- e) " Gorgouthi
- f) " Kardoki
- g) " Drygos
- h) " Vrysses
- i) " Smile
- j) " Ano Meros where 6 persons were burnt alive
- k) " Gerakari
- l) " Krya Vryssi
- m) " Sokara
- n) " Anogia, where 2 women and 4 men were burnt alive.
- o) " Demasta
- p) " Thrapsinos, where 1 woman and two children were burnt alive

4. During the same month of August 1944, they took into their possession without having the right to do so, and without the consent of the owners, all the movable property of the inhabitants of the above mentioned villages..

5. Both of the defendants - Braeuer as Commander of Fortress Crete and Mueller as C.O. of the 22nd Division of Crete, because they made decisions together and had the common will to execute the following criminal acts, promising to each other help in the enactment of same: They ordered others on 14 - 15 Sept. 1943

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

in Heraklion and Chania, to commit criminal acts under threats of severe punishment in case of disobedience. Following these orders the Germans:

1) murdered by shooting in various parts of the body:

43 persons in the village Gdochia

32	"	"	"	"	Mournies
4	2	"	"	"	Mithi
56	"	"	"	"	Riza
18	"	"	"	"	Myrtos
1	"	"	"	"	Sycologos
2	"	"	"	"	Kalani
23	"	"	"	"	Vachos
23	"	"	"	"	Syni
19	"	"	"	"	Felkos
6	"	"	"	"	Moin Ano Vianon
36	"	"	"	"	Kefalovryssi
2	23	"	"	"	Krevata
114	"	"	"	"	Amyra
33	"	"	"	"	Agios Vassilios
7	"	"	"	"	Parassa
23	"	"	"	"	Malles
8	"	"	"	"	Christos

2) During the same period they took into their possession without having the right to do so and without the consent of the owners, all the movable property of the inhabitants of the before mentioned villages.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

3) During the same period they set on fire, using explosives also, the houses of the following villages, which were completely destroyed; during the arson most of the inhabitants were out of their houses. Some people were burnt alive in their houses, which were set on fire in all the villages at the same time.

Destroyed villages: Gdoshia, Kefalovryssi, Pelkos, Kato Symi, Krevatas, Sykologos, Mournies, Myrtos, Kalamí .

Since the Tribunal has doubts concerning the guilt of the defendants with respect to the rest of the criminal acts of the indictment, as described by the Penal law, they (i.e. the defendants) must be acquitted on these counts. This is specially true for the act of putting 300 Jewson board S/S "Danae" and later on sinking it; it was not proved that Mueller or Braeuer had anything to do with this. Therefore this act ought to be attributed to the Higher Command of the German police of Athens or Berlin.

Whereas the acts for which the defendants were found guilty, are provided for and punished by art. 56 para 3, 57, 109, 287, 288, 321 para 3, 371, 374 as modified by law 1441/1942, 408 para 3, 4 and 409 of the Penal Law.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

After reading the decision the king's counsel asked the death penalty for both the defendants.

The defense counsel asked that the minimum penalty be given to the defendants.

The President then ordered the removal of the defendants from the Court Room, and the tribunal withdrew to the Council room, where having discussed, in the absence of the King's Counsel returned again in the Court Room and announced its decision.

Therefore

it sentences the defendants who were found guilty:

A) Bruno Oswald Brauer

- 1) for each of the murders the death penalty
- 2) for each of the thefts, 10 years imprisonment
- 3) for each of simple arson - 20 " "
- 4) for each arson where death occurred the death penalty
- 5) for each kidnapping, 15 years imprisonment.

All these penalties are consolidated in the death penalty which is the severest.

B) Friedrich Wilhelm Mueller.

- 1) For each of the murders - the death penalty.
- 2) for each of the thefts, 10 years imprisonment
- 3) for each of the arsons, 20 years imprisonment
- 4) for each arson where death occurred the death penalty.

Mr. DIMITSAS vragen:

TRIAL OF MUELLER and BRASUER.

Whereas irrespective of the question of the applicability of Const. Act. 73 to the criminal acts described therein, and which are not provided for in the Criminal Code because of the rule "Nulla poena sine lege" the defendants must be acquitted with respect to the acts provided by Const. Law 73.

TRANSLATION OF GREEK DOCUMENT NO. 3
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

All these penalties are consolidated in the death penalty which is the severest.

The place designated for the execution of the death penalty is Athens.

The defendants are condemned also to pay the judicial expenses, according to art. 56 para 3, 57, 109, 287, 288, 321 para 3, 371, 374, as notified by law. 1441/1942, 408 para 3 and 4 and 409 of the Penal Law.

This decision was published, on this day the 9th of December 1946, and duly signed.

The President
P. Papageorgiou

The clerk
L. Paleologis

True Copy

Athens, March 14, 1947

The clerk

(sign.) L. Paleologis

CERTIFICATE OF TRANSLATION

I, Alexander Dimitzas, Representative of Greece on the United Nations War Crimes Commission, member of the Greek Delegation in Nuremberg, identification No. 2685 hereby certify that I am thoroughly conversant with both the English and Greek languages; and that the above is a true and correct translation.

- 26 -

(End)